

Application Number:	22/00280/FUL
Proposal:	Change of use of building to 20no. apartments, including roof extension to first floor section, and insertion of new windows and replacement of doors with windows.
Site:	James Howe Mill, Turner Lane, Ashton-under-Lyne, Tameside, OL6 8LS
Applicant:	Real Estate Aventor Ltd
Recommendation:	Refuse planning permission.
Reason for Report:	A Speakers Panel decision is required because the application constitutes a major development.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The site relates to an existing building, James Howe Mill, which is a three storey industrial former mill building, operating in employment uses, situated at the junction of Turner Lane and Lord Street. Within part of the ground floor of the building, there are ad-hoc storage and distribution uses, and both at the upper floor levels and to the west of the site is a commercial gym use. A number of the window openings are currently sealed, or secured with metal grates for security purposes.
- 1.2 The site is situated within an Established Employment Area, as defined by the Council's Unitary Development Plan.
- 1.3 The area is characterised, to the west of Turner Lane, by employment uses, and some commercial uses. Immediately to the south and bordering the site is situated Besseges Valves, Tubes and Fittings Ltd, which is a general industrial use, involving manufacturing and production of goods, alongside their distribution and general sale. To the north, to the opposite side of Lord Street, there is a car repair garage, also operating within a general industrial use, and further employment uses along to the north of Lord Street. Broadly, the western side of Turner Lane in this particular location is heavily characterised by similar uses, with other such uses operating along Turner Street which is situated to the opposite side of the site, and on the highways surrounding that area. Residential uses are situated primarily to the east of Turner Lane in this location, which is much more heavily developed with such uses, and which are considered the prevailing character of that particular area.

2. PROPOSAL

- 2.1 This application seeks full planning permission for the change of use of the building, to 20no. apartments, including a roof extension to a first floor section to the west, and insertion of new windows and doors, and replacement of some doors with windows. The existing metal fire escape to the southern elevation would also be removed.
- 2.2 The building, when converted, would accommodate 15 x 1 bedroom units, and 5 x 2 bedroom units.

- 2.3 Additional window openings are proposed primarily to each side elevation. A row of windows towards the rear of the building would be sealed and replaced with smaller openings, and more prominent openings on the ground floor would be revealed. Existing metal grates surrounding the windows would be removed.
- 2.4 The proposed roof extension would be positioned above the two storey element of the building, which would be slightly higher and would become two storey with accommodation in the roof space.
- 2.5 Also provided at ground floor would be a cycle store and communal entrance and post room area.

3. PLANNING HISTORY

- 3.1 None of relevance.

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012).

Tameside Unitary Development Plan (2004)

4.5 Part 1 Policies

- 1.1: Capturing Quality Jobs for Tameside People;
- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1.9: Maintaining Local Access to Employment and Services;
- 1:10: Protecting and Enhancing the Natural Environment;

- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.6 **Part 2 Policies**

- C1: Townscape and Urban Form
- E3: Established Employment Areas
- H1: Housing Land Provision
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H10: Detailed Design of Housing Developments
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- T11: Travel Plans
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

Places for Everyone

4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

4.8 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

4.9 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

Other Considerations

4.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a persons rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

4.11 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a Major Development by neighbour notification letter, display of a site notice; and advertisement in the local press

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 In response to the neighbour notification letters, there have been 5 letters of objection received. The concerns raised within the letters of objection are summarised below:

- The proposed development would cause parking issues, affecting HGV movements within the area. There is already an insufficient level of parking within the area for existing uses, and this would exacerbate the problem;
- The shared yard area, immediately to the south of the building, has access rights enjoyed by the neighbouring business. This area could be used and covered, and can be used for vehicular access. The proposals would also affect the fire escape route from that neighbouring business;
- There is a demand for commercial use of the site. The neighbouring business enquired and proposed extending into this area in the past, within the employment area. No advertising of the site for commercial purposes has occurred prior to this application;
- A gym operates at upper floor levels within the building. The gym has not been notified that the building has been sold;
- The application doesn't provide information regarding the structural integrity of the building;
- The agent listed on the application is not registered at Companies House, and this should be investigated further.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority (LHA) – No objections, subject to conditions requiring a construction environment management plan; a scheme for cycle parking provision; and provision of a Green Travel Plan. A financial contribution to off-site highway works is also requested.
- 7.2 Coal Authority – No requirement to consult, standing advice applies.
- 7.3 Lead Local Flood Authority (LLFA) – No objections, subject to a condition requiring a surface water drainage scheme.
- 7.4 Greater Manchester Ecology Unit (GMEU) – No objections. Notes that protected species including bats can be situated in unlikely spaces, and recommends and informative advising the applicant of their responsibility to cease works should any be discovered.
- 7.5 Environmental Health – No objections, subject to conditions requiring acoustic mitigation measures outlined within the submitted Noise Impact Assessment to be implemented; and restrictions on construction working hours. The proposed waste and recycling facilities may not be sufficient for the future development, and details of bin storage arrangements should be provided.
- 7.6 Contaminated Land – No objections, subject to conditions requiring a mine gas risk assessment to be undertaken, followed by an options appraisal/remediation strategy and verification plan; and that recommended remedial measures be implemented prior to use.
- 7.7 Transport for Greater Manchester (TfGM) – No comments to make.

- 7.8 Greater Manchester Police Designing out Crime Officer – No objections. The physical security measures included within the Crime Impact Statement should be implemented.
- 7.9 Waste Management – General advice regarding bin storage provision.
- 7.10 Education - Would like to see a contribution towards education infrastructure.

8. ANALYSIS

- 8.1 Policy E3 of the UDP states that proposals for residential or mixed use development in 'established employment areas' will not be permitted unless, after assessment of the following factors, it is considered that the Borough's housing requirements and the regeneration benefits of the development outweigh the potential of the site in its present form for future employment use:
- a) the quantity and type of employment sites and premises available in the area, and
 - b) evidence of demand for employment sites and premises in the area, and
 - c) the suitability of the site for further employment use in terms of size, physical characteristics, access, traffic impact, and sensitivity of surrounding land uses, and
 - d) the opportunity which may be presented for new forms of employment as part of a mixed use scheme.
- 8.2 The adopted Employment Land SPD provides guidance on the suitability of alternative uses within employment areas and on employment sites within the borough. Paragraph 6.43 of the document states that the total loss of an employment site can only be justified where it can be robustly demonstrated that the provision of an employment element cannot be made viable. Evidence must be provided to show that all possibilities to provide an employment element have been exhausted and demonstrated to be unviable. Paragraph 6 in general states that there is a need to safeguard and improve both existing employment sites, and the employment land supply within the borough. Detailed guidance then follows on for proposals involving the loss of employment sites. The guidance is clear that the burden of proof rests on applicants to state why a site is no longer required or suitable for continued employment use. It also states that approval of alternative development will normally only be considered where an applicant is able to clearly demonstrate there is no demand for the site, it is unviable to retain the site and that the character of the area and other policies and proposals in the development plan suggest that the site should be released. Redevelopment for other uses can be allowed on poor quality sites that have become unsuitable or unviable for employment use, in order to realise their potential regeneration benefits.
- 8.3 The applicant states in their supporting information that the site is situated within an older industrial area. This however is not considered an accurate reflection of the area, which consists of premises varying in age from 19th Century to modern. The most recent Employment Land Study lists the site as a high quality for employment purposes, which is of the highest quality allocation locally (above poor and medium quality sites). Whilst it is appreciated that there are some leisure uses within the area, these have in the past been more closely aligned with employment uses as permitted under Policy E3. Leisure is not the dominant use. The applicant has stated that there is little scope for use of the site for employment purposes, due to it not being well suited or easily adaptable to modern industrial or office use. They also claim that the significant floor space of the building would be difficult to fill, and that nationally there is a reduction in office space demand following the COVID-19 pandemic. It is however the view of officers that employment land supply in this particular area of the borough has decreased over time, as sites have either been developed, or have been lost to non-employment uses. The applicant has not provided an assessment of alternative sites within the area, nor the availability of such. They have stated that some office space has been available within Ashton at three sites (Ashton Old Baths, the Grosvenor Mill

Business Centre and the Clarence Arcade) but have provided no evidence to support this claim.

- 8.4 The applicant has stated that there is no evidence of unmet demand for employment uses within the area. They have also stated that when units become vacant, they tend to remain so for a period of time. In the absence of further information, officers requested further detail of marketing of the site, and efforts to gain occupation of the building. A brief supporting statement provided by the owner has been provided in response, which states that efforts have been made to market the building in the past, but no further detail is provided. Without marketing information or evidence of similar, it is considered that no justification has been made to demonstrate a lack of demand for such uses within the area.
- 8.5 As per guidance within the SPD, it is appreciated that in certain cases, the applicant may be able to demonstrate that there is no demand for a site or that the site's buildings are unsuitable for continued employment use due to factors such as their physical configuration, or current state of repair. In these cases, consideration must be given to other options that would enable the site to remain in employment use, and before considering release, the Council will need to be satisfied that either refurbishment of the buildings for employment uses, or redevelopment of the site for employment use are not viable. No such justification, including a development appraisal or residual valuation for each option, has been submitted in support of the application.
- 8.6 Where it can be demonstrated that there is a case for alternative development, a mixed use scheme could provide a solution, and the SPD states that alternative uses should be limited to enabling development on part of the site to permit the remainder to be improved or redeveloped for continued employment use (subject to other policy considerations). The applicant states that a mixed use scheme is not appropriate in this location. However, it is considered that this statement compounds the view that, if a mixed use scheme including residential development is not suitable in this location, then a solely residential use is also not appropriate in the same location.
- 8.7 In land use terms, the site is not suited to a residential use. The site is situated to the west of Turner Lane, which in this location is characterised by employment uses, and some commercial uses. Immediately to the south and bordering the site is situated Besseges Valves, Tubes and Fittings Ltd, which is a general industrial use, involving manufacturing and production of goods, alongside their distribution and general sale. Within part of the ground floor of the host building, there are ad-hoc storage and distribution uses, and to the west of the site is a commercial gym use. To the north, to the opposite side of Lord Street, there is a car repair garage, also operating within a general industrial use, and further employment uses along to the north of Lord Street. Broadly, the western side of Turner Lane in this particular location is heavily characterised by similar uses, with other such uses operating along Turner Street which is situated to the opposite side of the site, and on the highways surrounding that area. Residential uses are situated primarily to the east of Turner Lane in this location, which is much more heavily developed with such uses, and which are considered the prevailing character of that particular area.
- 8.8 A further concern of the Council is that the proposed development may stifle or restrict future operation and potential development of the existing employment uses within this area, particularly those which would remain operational and which are situated close to the site. This point is covered in further detail within the Residential Amenity section, below.
- 8.9 Although, as noted by the applicant, the Council cannot currently demonstrate a five year supply of deliverable housing land, this does not outweigh the identified harm by inappropriateness of this location for housing development.

- 8.10 For the reasons set out above, it is considered that residential development in this location is not acceptable in principle terms, and the application fails to justify an acceptable loss of employment land.

9. DESIGN & LAYOUT

- 9.1 Policies within the UDP, NPPF and the adopted Residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134).
- 9.2 The site consists of a primarily three storey former mill building, with a two storey section to the rear fronting Lord Street to the north. A number of the window openings are currently sealed, or secured with metal grates for security purposes.
- 9.3 The scheme proposes to largely retain the three storey section of the building as is, including its main elevation fronting Turner Lane. Some additional fenestration is proposed to either side elevation, including that fronting Lord Street which is more prominent, however the alterations are considered to be largely acceptable visually. Although a row of windows would be sealed towards the rear of the building, and replaced by smaller openings, other more prominent openings on the building would be revealed, and the existing metal fire escapes and metal grates surrounding the windows would be removed.
- 9.4 A moderate pitched roof extension is proposed to the existing two storey element of the building, which would be slightly higher and would become two storey with accommodation in the roof space. This section of the building is not particularly prominent / visible from part way along Lord Street; nonetheless, the extension would appear subservient and would not disrupt the main features of the industrial style building.
- 9.5 In terms of materials utilised for the roof extension, and for any repairs and alterations to the building, these should be carried out in matching materials. A relevant condition could thereby be imposed, should the application be approved. A separate condition could also be imposed requiring details of any window and door materials to be submitted for approval.
- 9.6 In light of the above, the alterations to the building are considered appropriate in this location.

10. RESIDENTIAL AMENITY

- 10.1 Policy H10 of the UDP states that the layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, will be required to be of high quality and cause no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic. The Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.2 Paragraph 187 of the NPPF states that decisions should ensure that new development can be integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 10.3 As discussed earlier, the site is situated to the west of Turner Lane, which in this location is characterised by employment uses, and some commercial uses. Immediately to the south

and bordering the site is situated Besseges Vales, Tubes and Fittings Ltd, which is a general industrial use, involving manufacturing and production of goods, alongside their distribution and general sale. Within part of the ground floor of the host building, there are ad-hoc storage and distribution uses, and to the west of the site is a commercial gym use. To the north, to the opposite side of Lord Street, there is a car repair garage, also operating within a general industrial use, and further employment uses along to the north of Lord Street. Broadly, the western side of Turner Lane in this particular location is heavily characterised by similar industrial and commercial uses, with other such uses operating along Turner Street situated to the opposite side of the site, and on the highways surrounding that area. Although residential uses are situated primarily to the east of Turner Lane, that area stands separate from the site and its surroundings.

- 10.4 It is considered that siting residential uses within this employment area would result in a poor standard of living for future occupiers, which is likely to be detrimental to their amenity. Although the Council's Environmental Health officers have noted that mitigation measures could be implemented, in order to better soundproof the proposed apartments, the site is situated directly adjoins a general industrial manufacturing, distribution and general sale business. It is also apparent from a representation received by that business that access to their premises is permitted via the existing yard immediately to the south of the building to be developed, running directly below windows serving the proposed south facing apartments. As stated above, a car garage is situated directly opposite to the north of the site across Lord Street, and other commercial and employment uses including a gym are situated adjoining the building to the west. These operations combined would likely cause a poor level of amenity for occupiers of the apartments, with external noise and disturbance being apparent within such close proximity.
- 10.5 Furthermore, the prevailing character of the operations adjacent to the site would create a generally unpleasant and alien living condition for future occupiers, in an area of the borough characterised by industry, some being of a heavy nature. Whilst mixed uses may be appropriate in other locations, this site is surrounded by employment uses, both industrial and commercial, and is not suited to residential accommodation.
- 10.6 It is considered that the proposed development should not unduly restrict the operations of existing businesses within the vicinity, in accordance with the requirements of the NPPF as explained above, whilst protecting the amenity of future occupiers of the proposed apartments. As above, the applicant has submitted a noise impact assessment, in order to demonstrate that mitigation measures could be put in place to achieve better soundproofing of the apartments. However, it is noted that the site lies within an established employment area, which is graded as higher quality employment land within the borough. It is crucial that, in order to maintain the usefulness of this employment allocation, that businesses are encouraged to operate and potentially expand – subject to planning permission – without potential unreasonable restrictions, which could arise for example through statutory noise complaints or otherwise. The representation received from the adjacent business has noted that in the past they investigated the possibility of expanding their warehouse, for example. The use of the building as residential accommodation may potentially impede full use of the employment allocation in the future as a result.
- 10.7 With regard to the amenity of future occupiers, it is noted that each of the one bedroom apartments would exceed 37sqm internally, and each of the two bedroom apartments would exceed 61sqm, which are the minimum sizes expected to achieve a reasonable standard of amenity, as outlined within the Government Technical Housing Standards document (nationally described space standard). On this basis, the development is acceptable in this regard, providing adequate internal space for future occupiers.
- 10.8 Policy RD5 of the Residential Design SPD states that facing habitable room windows should be positioned at least 14m apart on street frontages, and where habitable room windows face a blank wall. This distance is increased by an additional three metres for every additional

storey (for buildings of three storeys or greater). Proposed apartments which would have habitable rooms within the northern elevation of the building would face toward a two storey building to the opposite side of Lord Street, achieving a distance of 9.2m separation between the two. This would fall below the 14m as identified above. Notwithstanding this relationship, the openings within the neighbouring building to the north of Lord Street do not serve habitable rooms, and there is only one opening at first floor level, and therefore a lesser separation distance could be acceptable. Similarly, proposed apartments with habitable rooms within the southern elevation of the building would face toward a two storey blank wall, forming the boundary with the neighbouring industrial use, achieving a lesser distance of 6.2m between the two. Again, the wall faced would be blank, not containing any windows. However, in both of these scenarios, the buildings (albeit primarily commercial in nature) are relatively closely spaced, as is the character of this particular area of Ashton. It is also the case that urban, built up locations with a mix of uses may not achieve the same level of separation and amenity expectations of other areas. The amenity of future occupiers thereby would be acceptable in this regard.

- 10.9 The main residential properties which would be affected by the proposed development is an existing bungalow to the north east of the site, no. 64 Lord Street, and nos. 58-60 Turner Lane, directly facing the site. Policy RD5 of the Residential Design SPD states that facing habitable room windows should be positioned at least 14.0m apart on street frontages, with an additional three metres for every additional storey (for buildings of three storeys or greater). In this case therefore, the minimum distance between properties should be 17.0m, which is achieved in all cases concerning the above mentioned residential properties. Habitable room windows within the building to be converted, serving apartment nos. 1, 8 and 14, would face toward the boundary with no. 64, overlooking its front and side garden areas. Notwithstanding, the relationship would be an oblique one, and the overlooking of the front and side elevation of no. 64 is not considered to be more severe than it being viewed from Lord Street and Turner Lane as at present, given the open aspect to those highways. The impact of the development upon neighbouring residential properties is thereby considered acceptable.
- 10.10 The Council's Environmental Health officers have recommended a condition restricting the hours of conversion of the proposed development to daytime hours, in addition to the noise mitigation measures. Such conditions could be imposed if the application were approved.
- 10.11 In light of the above, however, the proposed residential use in this location is not acceptable, causing generally unpleasant and alien living conditions to future occupiers, and undue amenity concerns through external noise and disturbance from adjoining and adjacent employment uses. The close proximity to those businesses may restrict their ability to operate or expand in the future, potentially impeding full use of the employment allocation in future.

11. HIGHWAY SAFETY & ACCESSIBILITY

- 11.1 The proposed development would generate only a small amount of vehicle movements, and these are considered to be minimal. In light of this, the proposed development would not create a severe cumulative impact upon the highway network.
- 11.2 The development proposes no off street car parking spaces. UDP policy requires that 1 parking space per 2 apartments be provided, resulting in a requirement of 10 spaces for this development. However, consultation with the LHA has been undertaken, who note there is a shared parking area, situated at the junction of Turner Lane, Lord Street and Lees Street. Furthermore, on-street parking is available within defined bays along Lord Street, as well as along sections of Turner Lane. Furthermore, it is noted that the change of use from employment use would result in less staff parking within the vicinity (compared to when the employment use operates). Given on-street parking is available within the local area, with few restrictions, that the lack of dedicated parking provision would be acceptable.

- 11.3 In addition, the LHA recommend that the development should provide cycle parking provision, with one space provided per apartment. They also recommend that a Green Travel Plan be carried out alongside the future development, which would encourage use of nearby public transport services and alternatives to the private car. These measures would be controlled via a condition should the application be approved.
- 11.4 Further to the request for cycle storage and a Green Travel Plan, the LHA have recommended that facilities for pedestrians be improved close to the site, in order to encourage sustainable transport links. In particular, links to and from the Ashton bus station and railway station, which are within walking distance of the site, are recommended to be upgraded, including surface, lighting and signage improvements, in order to encourage users of the site to access it sustainably, and the LHA have requested a commuted sum of £11,000 in order to contribute to such works. The applicant has indicated they are agreeable to a financial contribution. The above measures combined would likely reduce private car usage and dependency at this site.
- 11.5 Should the application be approved, it would be reasonable to impose a condition requiring the submission and approval of a management plan relating to the construction phase of the development.
- 11.6 In concluding highways matters, the proposed development would not result in an adverse impact on highway safety in terms of trip generation, the safety of the access arrangements or car parking capacity, subject to the recommended conditions, and the commuted sum. The proposals would not result in a detrimental impact on highway safety.

12. DRAINAGE AND FLOOD RISK

- 12.1 The site is located within Flood Zone 1, which is categorised as being at the lowest risk of flooding.
- 12.2 The Lead Local Flood Authority (LLFA) have reviewed the submitted information, and raise no objections to the application, subject to a drainage scheme to be agreed and implemented as per the agreed details. Therefore, a condition requiring a full sustainable drainage scheme to be submitted could be imposed should the application be approved. No comments have been received from United Utilities.
- 12.3 Subject to imposition of the condition as set out above, it is considered that the proposals have demonstrated they can be implemented without undue flood risks, and to ensure that an appropriate amount of attenuation can be achieved to account for climate change.
- 12.4 Following the above assessment, it is considered that the proposals would not result in a detrimental impact on flood risk or drainage capacity.

13. GROUND CONDITIONS

- 13.1 The site falls within the Coal Authority's defined Development High Risk Area. However, as the development proposes a change of use of the building, the Coal Authority has clarified that a Coal Mining Risk Assessment is not required to be submitted.
- 13.2 The Environmental Protection Unit (EPU) have reviewed the submitted phase 1 contamination report. The report noted that there are no known contaminants at the site, which are likely to present a significant possibility of harm to end users. However, the EPU notes that, lying within a Coal Mining Development High Risk Area, a coal outcrop runs beneath the site, and as a result mine gas may pose a potential risk to the development. This risk has not been assessed to date. The EPU therefore recommend that a mine gas risk

assessment be undertaken, followed by any remedial works or measures, as necessary to address any unacceptable risks posed by mine gas. The condition would ensure any recommended remedial works and measures be implemented prior to first use.

- 13.3 The condition recommended by the EPU is considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site, and could be imposed should the application be approved.

14. ECOLOGY

- 14.1 Greater Manchester Ecology Unit (GMEU) has reviewed the application. They raise no objections to the proposed development. They do note however that protected species such as bats can be situated in unexpected places, and they advise that if bats are found during any development works, that works must cease and adequate advice be sought. This advice would be relayed via an informative if the application were approved.

- 14.2 The application is thereby considered acceptable in these regards.

15. AFFORDABLE HOUSING AND OTHER CONTRIBUTIONS

- 15.1 In relation to developer contributions, any requirements in this regard must satisfy the following tests (as stated in paragraph 57 of the NPPF):

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 15.2 The scale of the development constitutes a major development, as such there would normally be a requirement to meet affordable housing (15%), green space, education and potentially highways contributions as per the requirements of policies H4, H5, H6 and T13 of the UDP.

- 15.3 Paragraph 65 of the NPPF identifies that all major residential developments (those of 10 units and above) should include the provision of affordable housing. This is below the threshold identified by policy H5 which set a threshold of 25 units. The Housing Needs Assessment identifies an expectation of provision of 15% of units on an affordable basis. The glossary of the NPPF provides a definition of affordable housing.

- 15.4 Paragraph 63 of the NPPF lists exceptions to affordable housing requirements. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount. Officers made further requests to the applicant, in order to gain further information regarding past use of the building, any periods of non-use, and in particular to ensure that the building has not been made vacant for the sole purposes of redevelopment. However, this information has not been forthcoming, and it is considered that a suitable case for applying vacant building credit has therefore not been made. If vacant building credit is not applied, in policy terms 3 affordable housing units are required to be provided. The proposal therefore would meet the policy requirement of policy H4 of the UDP and paragraph 65 of the NPPF. This provision could be secured through a Section 106 Obligation.

- 15.5 The applicant will be required to make a contribution to the provision of pedestrian infrastructure upgrades within the local area, in accordance with Policy T13 of the adopted UDP. A contribution of £11,000 is to be secured towards improvements to walking infrastructure.

- 15.6 The upgrades to the walking facilities would improve access to the proposed development, and would encourage sustainable transport links, reducing reliance upon the private car.
- 15.7 Regarding green space, although none is proposed to be delivered on-site, within walking distance of the site to the south is the King George V Playing Fields, and associated recreational areas, situated off Alexandra Road to the north east. Noting that 20no. apartments are proposed, the application falls below the threshold for education contributions (25). Contributions towards such are therefore not sought.
- 15.8 The pedestrian upgrade contributions would meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given that sustainable transport methods are to be promoted), directly related to the development (as the close proximity ensures that future users are likely to use these facilities); and proportionate in that the sums are based on the size of the development.

16. OTHER MATTERS

- 16.1 The application has been accompanied with a Crime Impact Statement. This has been reviewed by the Greater Manchester Police Designing Out Crime Officer, who has concluded the contents of the statement are sufficient. The Designing Out Crime Officer recommends that physical security measures are implemented, in order to achieve good levels of security and reduce the fear of crime for future users of the development and for members of the public. The applicant could be advised of this matter by an informative if the application is approved.
- 16.2 The application has been reviewed by the Council's Waste Management officers. They note that the applicant is to purchase their own bins for waste storage and collection, and final details have not been provided by the applicant. It is therefore recommended that, if the application were approved, a condition be imposed requiring the applicant to submit full details of their bin store and recycling facilities, prior to the use commencing. This would ensure that adequate waste storage provision could be provided. The proposals would thereby meet the requirements of the National Planning Policy for Waste (NPPW).

17. CONCLUSION

- 17.1 The application proposes the change of use of the existing building from an employment use to 20no. apartments. The site is allocated as an established employment area within the Council's adopted UDP, and the most recent Employment Land Study categorises the site as a high quality for employment purposes. The application fails to adequately justify why loss of the employment use would be acceptable in this case, and is therefore contrary to Policy E3 of the UDP.
- 17.2 The site is situated in an area characterised by employment uses, and some commercial uses, including general industrial and other uses which immediately border the site. Residential uses are situated primarily to the eastern side of Turner Lane, away from the site. The proposed residential use is not considered suitable in this location. The proposal would result in a poor standard of living for future occupiers, detrimental to their amenity. The prevailing character of the employment operations adjacent to the site would create an unpleasant and alien living condition for future occupiers, with some of the industrial operations being heavy in nature.
- 17.3 The proposed use may affect neighbouring businesses ability to operate and potentially expand, without potential unreasonable restrictions, due to the close proximity of residential properties proposed through this application, which would likely lead to noise disturbance and complaints. This may impede full use of the employment allocation in the future.

- 17.4 It is noted that the development would provide adequate space internally for future occupants. The development would provide no off-street parking provision, but is considered to be situated in a sustainable location, and on-street parking is available. Cycle parking provision and off-site improvements to pedestrian facilities would improve access and reduce reliance upon the private car. Conditions could be imposed to satisfy these matters should the application be approved.
- 17.5 For the reasons set out above, the proposal fails to comply with development plan policies E3 and H10, the Employment Land SPD, and the National Planning Policy Framework.

RECOMMENDATION

Refuse planning permission for the following reasons:

1. The application fails to justify the loss of a high quality employment site, within the defined Established Employment Area. The requirement to safeguard and improve existing employment sites and the employment land supply within the borough is not satisfactorily justified within the submission, and insufficient evidence to demonstrate there is no demand for the site or that it is unviable to retain the site for employment purposes has been provided. The proposals are therefore contrary to Policy E3 of the Tameside Unitary Development Plan and the Employment Land Supplementary Planning Document.
2. The application site is situated in an area characterised by employment and commercial uses, including general industrial operations which directly border the site. The proposed residential use in this location would result in a poor standard of living for future occupiers, detrimental to their amenity, with prevailing character of employment operations close by creating an unpleasant and alien living situation for future occupiers. The ability of neighbouring businesses to operate and expand without potential unreasonable restrictions in the future, as a result of noise disturbance and complaints, may impede full use of the defined Existing Employment Area in the future. The proposals are therefore contrary to Policy H10 of the Tameside Unitary Development Plan and the National Planning Policy Framework.